



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,880	12/07/2001	Steve Tu	2769-118	7593

6449 7590 12/08/2006

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,880

Applicant(s)

TU ET AL.

Examiner

Johnna R. Loftis

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action upon examination of application number 10/004,880. Claims 1-7 and 13-17 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loosmore, US 5,682,142.

As per claim 1, Loosmore et al teaches transmitting material-receiving data via a user at one of the terminal devices in a material-receiving form (column 2, lines 47-67 and column 3, lines 1-67; column 8 and column 9 "manufacturing facility" – material data is stored for network communication); and receiving and integrating the material-receiving forms from the terminal devices, wherein the material-receiving data are inputted and stored in a material database in an

Art Unit: 3623

order of material-receiving dates (column 2, lines 59-67 – the application CPU has direct linkage to input/output means for the node's use; column 2, lines 20-25 – each node is programmed to store data; column 9 – a date is initially stored which is later used to facilitate a first-in-first-out method). Loosmore et al does not explicitly teach the use of a network management server or material database server. However, Loosmore et al teaches a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Loosmore et al to include the use of servers because applicant has not disclosed that the use of the claimed servers solves any stated problem, is used for a particular purpose nor provides any advantage. Further, Loosmore et al would have been expected by those of ordinary skill in the art to perform equally well with either the claimed servers or a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use because are functionally equivalent and achieve the same result. Therefore, it would have been an obvious matter of design choice to modify Loosmore et al to obtain the invention as specified in the claim.

As per claim 2, Loosmore et al teaches classifying the received material-receiving data via the material database server into categories according to vendor's names and codes, and further classifying the material-receiving data of a same vendor's name and code into sub-categories according to material codes and types (column 2, lines 59-67 – the application CPU

Art Unit: 3623

has direct linkage to input/output means for the node's use; column 2, lines 20-25 – each node is programmed to store data; column 8 and column 9 – tags are encoded with product, source and other information as well as quantity and date); and writing the classified material-receiving data into the material database by using a function of recording a current material-receiving condition of a vendor, and updating a most recent material-receiving file of the vendor in the material database, wherein an operation mode and cycle time for updating the file are set according to practical conditions (column 9, lines 1-17 -pre-determined parameters are set wherein when inventories fall below set levels, the system sends an alert to replenish the stock of the item). Loosmore et al does not explicitly teach the use of a network management server or material database server. However, Loosmore et al teaches a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Loosmore et al to include the use of servers because applicant has not disclosed that the use of the claimed servers solves any stated problem, is used for a particular purpose nor provides any advantage. Further, Loosmore et al would have been expected by those of ordinary skill in the art to perform equally well with either the claimed servers or a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use because are functionally equivalent and achieve the same result. Therefore, it

Art Unit: 3623

would have been an obvious matter of design choice to modify Loosmore et al to obtain the invention as specified in the claim.

As per claim 3, Loosmore et al teaches transmitting the material-receiving data from the material database to the terminal device via a network, so as to conduct two-way communication with the user at the terminal device, allowing the user to immediately realize a material-receiving status (column 9, lines 1-17 -pre-determined parameters are set wherein when inventories fall below set levels, the system sends and alert to replenish the stock of the item). Loosmore et al does not explicitly teach the use of a network management server or material database server. However, Loosmore et al teaches a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Loosmore et al to include the use of servers because applicant has not disclosed that the use of the claimed servers solves any stated problem, is used for a particular purpose nor provides any advantage. Further, Loosmore et al would have been expected by those of ordinary skill in the art to perform equally well with either the claimed servers or a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use because are functionally equivalent and achieve the same result. Therefore, it would have been an obvious matter of design choice to modify Loosmore et al to obtain the invention as specified in the claim.

Art Unit: 3623

As per claim 4, Loosmore et al teaches transmitting material-issuing data via the user at the terminal device according to a material-issuing status in a material-issuing form through Internet or intranet; and receiving and integrating the material-issuing forms from the terminal devices, so as to initiate and establish connection that provides material-issuing data service; receiving the material-issuing data, and inspecting material data in a material database thereof to issue materials in an order of material-receiving dates, so that a material with an earlier material-receiving date is prior to be issued, and a first-in-first-out mode of material management is proceeded in receiving and issuing materials (column 9 – as inventory is issued, data is used to monitor inventory levels and to generate an alert is inventories fall below an established level; a date is initially stored which is later used to facilitate a first-in-first-out method). Loosmore et al does not explicitly teach the use of a network management server or material database server. However, Loosmore et al teaches a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Loosmore et al to include the use of servers because applicant has not disclosed that the use of the claimed servers solves any stated problem, is used for a particular purpose nor provides any advantage. Further, Loosmore et al would have been expected by those of ordinary skill in the art to perform equally well with either the claimed servers or a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use because

Art Unit: 3623

are functionally equivalent and achieve the same result. Therefore, it would have been an obvious matter of design choice to modify Loosmore et al to obtain the invention as specified in the claim.

As per claim 5, Loosmore et al teaches receiving the material-issuing data, and automatically initiating a function of inspecting material stocks, so as to provide a stock list of available vendors; and automatically initiating a first-in-first-out function for issuing materials in an order of material-receiving dates according to the stock list of the vendors, in a manner that a material with an earlier material-receiving date is prior to be issued (column 9 – as inventory is issued, data is used to monitor inventory levels and to generate an alert is inventories fall below an established level; a date is initially stored which is later used to facilitate a first-in-first-out method). Loosmore et al does not explicitly teach the use of a network management server or material database server. However, Loosmore et al teaches a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's particular use. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Loosmore et al to include the use of servers because applicant has not disclosed that the use of the claimed servers solves any stated problem, is used for a particular purpose nor provides any advantage. Further, Loosmore et al would have been expected by those of ordinary skill in the art to perform equally well with either the claimed servers or a communication CPU that provides access control to the transceiver means for receiving and transmitting information between the nodes and also an application CPU that is provided with direct linkage to input/output means for the node's

Art Unit: 3623

particular use because are functionally equivalent and achieve the same result. Therefore, it would have been an obvious matter of design choice to modify Loosmore et al to obtain the invention as specified in the claim.

As per claims 6 and 7, Loosmore et al teaches network based communication of material information in order to monitor inventory received and inventory issued wherein a first-in-first-out method is utilized and as inventory is issued, an alert is sent if inventories fall below a pre-set level. However, Loosmore et al does not explicitly teach the communication taking place using an Internet network with browser and homepage display. Implementing the claimed system over the Internet with browser and homepage display would accomplish the same result as disclosed in the Loosmore et al patent. Since it is old and well known to automate processes over the Internet it would have been obvious to one of ordinary skill to modify Loosmore et al to include Internet as the communication network. This would allow for users to access data from remote locations anywhere in the world and would make the process of monitoring the material data more efficient.

As per claims 13 and 14, Loosmore et al teaches network based communication of material information in order to monitor inventory received and inventory issued wherein a first-in-first-out method is utilized and as inventory is issued, an alert is sent if inventories fall below a pre-set level. The system includes network CPUs and output display including LCD wherein material data is stored. As disclosed the system can include a human interface node wherein a personal computer is attached to the network to view and change information on the network (column 5, lines 38-4). However, Loosmore et al does not explicitly teach the communication taking place using an Internet network with browser and homepage display. Implementing the

Art Unit: 3623

claimed system over the Internet with browser and homepage display would accomplish the same result as disclosed in the Loosmore et al patent. Since it is old and well known to automate processes over the internet it would have been obvious to one of ordinary skill to modify Loosmore et al to include Internet as the communication network. This would allow for users to access data from remote locations anywhere in the world and would make the process of monitoring the material data more efficient.

As per claims 15-17, while Loosmore et al teaches storing data on each node (column 2, lines 20-25), an application CPU with direct linkage to input/output means for a node's use (column 2, lines 59-67), monitoring the inventory levels in order to implement a first-in-first-out method of inventory management, and also monitoring inventory so as to send alerts when replenishment is needed, Loosmore et al does not explicitly teach what type of database server is used to store the information. However, several well-known database storage servers could be utilized in order to achieve the same result. It would have been obvious to one of ordinary skill in the art of information storage and retrieval to store the material information in MS Access, MSSQL or ORACLE database servers as a way to quickly and efficiently access the data. Since each database is functionally equivalent and achieves the same result when implemented in the system, one of ordinary skill in the art at the time of the invention would have known to use any of the well known database servers in order to access and retrieve material information in a quick and efficient manner.

Art Unit: 3623

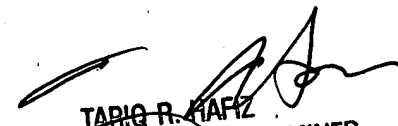
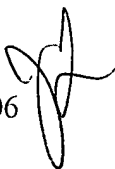
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL
12/7/06



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600